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Chris Christie  
Governor



Kim Guadagno  
Lt. Governor



James McCracken  
Ombudsman

## OOIE revitalizes support for Regional Ethics Committees (RECs)

### *RECs are resource to residents, families and staff*

The Ombudsman is working to revitalize the Office's involvement in ethical decision making in long-term care facilities through its work with the New Jersey's Regional Ethics Committees (RECs).

These RECs have existed for two decades as a resource to long term care facility staff, residents, and their families when ethical dilemmas arise. Such issues may include difficult treatment decisions, conflicts among family members, withholding or withdrawing life sustaining medical treatment, and many others.



Staff Attorney Amy Brown leads a discussion on ethical decision-making with Volunteer Advocates.

At the request of a facility or the Ombudsman's Office, a multi-disciplinary REC team can hold a case consultation – bringing together interested stakeholders in the attempt to diffuse tensions and achieve resolution of the issue as close to the resident's bedside as possible.

At all times, the focus of the REC's work is to adhere as closely as possible to the wishes of the resident, while weighing applicable ethical principles and considering all relevant information.

In addition to case consultations, RECs hold educational seminars, provide facility in-services, and reach out to communities to provide education on ethical issues.

The Ombudsman is working to reinvigorate and promote the important work of these Committees. To that end, he is holding bi-monthly Consortium meetings to bring these groups together to share experiences and resources.

**For more information on the RECs, please contact staff attorney Amy Brown at [amy.brown@advocate.state.nj.us](mailto:amy.brown@advocate.state.nj.us) or call 609.826.5126.**

## Ombudsman joins New Jersey Advisory Council on End-of-Life Care

### *Ombudsman, DHSS, other advocates and experts serve on panel*

In August 2011, the Governor signed legislation creating the New Jersey Advisory Council on End-of-Life Care, whose goal is to identify and promote end-of-life care in which patients' wishes are central and individuals are provided with dignified and respectful treatment that seeks to alleviate their physical pain and mental anguish as much as possible. The Ombudsman, along with other state officials and public members with expertise in the field, will serve on this important body.

With the Commissioner of the Department of Health and Senior Services Mary O'Dowd at the helm, the

council will identify best practices in providing patients access to high quality, cost-effective palliative care and end-of-life care; identify effective ways to educate the public about palliative and end-of-life care; and develop goals to implement the best practices learned, including recommendations for administrative, legislative, and policy initiatives.

At the end of its 18-month tenure, the council will provide a report to the Governor and Legislature with its findings.

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Guidance. Support. Advocacy.



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# The Beacon

News from New Jersey's Long-Term Care Advocate

**O**n December 6, I celebrated my first year as New Jersey's Ombudsman for the Institutionalized Elderly. And I must say that these last 12 months have been some of the most interesting, challenging and rewarding of my entire career in long-term care.

As a former long-term care administrator, I was familiar with the important work of the Office of the Ombudsman for the Institutionalized Elderly and the advocacy this office provides. I was also familiar with the Office's highly successful volunteer advocate program, having worked with excellent volunteer advocates in the past.



Ombudsman McCracken and his mother

Coming into this job, I knew less about another important role played by the Ombudsman's office: to provide guidance to LTC residents, family members and facility staff facing challenging medical/ethical decisions – like withholding life-sustaining treatment or weighing medically futile interventions. Much of this work is accomplished by providing technical assistance to Regional Ethics Committees located throughout the state. I am pleased to report in this issue of *The Beacon* that we are hard at work re-energizing our Regional Ethics Committees and, just this month, we hosted two major end-of-life training sessions for REC members and others who work in the long-term care field.

Since joining the Ombudsman's office, I have tried to make the important work of our office more visible by: seeking out speaking engagements in a wide variety of venues from senior centers to veteran's homes; rebranding all of the Office's informational materials; exhibiting information about the OOIE at major conferences and conventions throughout the state; creating a dialogue with other service provider and advocacy organizations; and identifying and supporting policy and legislative initiatives at both the state and federal level that will benefit older New Jerseyans.

I hope you enjoy this inaugural issue of *The Beacon*. And I wish each of you a happy and healthy New Year.

*James W. McCracken*  
James W. McCracken

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The Office of the Ombudsman for the Institutionalized Elderly (O.O.I.E) works to preserve the health, safety, welfare and protect the rights of New Jersey residents age 60 and older who live in long-term health care facilities. The program seeks to ensure that residents receive quality care as they age. The Office is in, but is independent of, the NJ Department of the Treasury.

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I am a strong believer in getting the residents to advocate for themselves. I try to help them with their concerns or complaints, and it can be a simple thing, like the curtain between beds is jammed and it cuts off the view of the outside...I hate to say to this, but there are some people that have nobody. They will say 'you are the only person I ever see besides the staff.'

- Volunteer Advocate Jerry DeBenedette, quoted in NJSpotlight.com's article, *New Jersey's Advocates for the Aging*

**Volunteer advocate program growing: Recruitment expanded in NJ southern counties**

The number of volunteers assigned to nursing homes under the OOIE Volunteer Advocate Program has increased by about 20 percent in the last year, thanks to increased marketing and outreach efforts statewide and particularly in South Jersey.

The Volunteer Advocate Program helps promote the health, safety and welfare of residents age 60 and older who live in nursing homes. Advocates help protect residents' rights and ensure quality of care by making regular visits to a local nursing home. Volunteers must complete a 32-hour training program and shadow and existing volunteer to become a Certified Volunteer Advocate.



Elizabeth Speidel, who oversees policy and legislative affairs for OOIE, and State Volunteer Advocate Program Coordinator Deirdre Mraw attend the recent NJ Municipalities Conference.

Today, with the number of elderly people who are living in long term facilities continuing to increase, the

need for volunteers is even more critical. According to federal data, more than three-fourths of states use volunteers to support long term care ombudsman programs.

“A volunteer advocate is the voice for those who have none, and helps to make each community a better place to live for all its residents,” said New Jersey Ombudsman James W. McCracken, who – since being named Ombudsman in December 2010, has stepped up outreach efforts in support of the volunteer program.

**Anyone over the age of 21 who is interested in volunteering can email**

**Deirdre Mraw, Program Coordinator, at**

**[Deirdre.Mraw@advocate.state.nj.us](mailto:Deirdre.Mraw@advocate.state.nj.us) or call 609.826.5053.**

**Increasing visibility of OOIE**

***Ombudsman McCracken dramatically increases outreach activities***

Since joining the office in December 2010, Ombudsman McCracken has worked diligently to raise the profile of the office.

“My goal is to increase awareness of our services among residents of long-term care,” said McCracken. “People cannot access our advocacy services if they don’t know about us.” A secondary goal is to dramatically recruit new volunteers to the OOIE Volunteer Advocate Program, said McCracken.

This fall, the office unveiled a new logo and updated all of its outreach publications to reflect the Office’s goal of being a beacon of hope for residents of long-term care.

“We want to telegraph to the elderly citizens of New Jersey that we are

there for them, to provide guidance, support and advocacy when they have nowhere else to turn,” said McCracken.

Since joining the office in December 2010, McCracken has maintained an ambitious schedule of speaking events and facility visits. He maintains open lines of communication with organizations representing long-term care providers and with the state’s most active advocates for vulnerable elderly people, including AARP New Jersey, the NJ Foundation for Aging and Legal Services of New Jersey. *(continue to page 3)*

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We want to telegraph to the elderly citizens of New Jersey that we are there for them, to provide guidance, support and advocacy when they have nowhere else to turn.

- Ombudsman McCracken

**OOIE partners with other advocates, expands legislative advocacy**

***Weighs in on POLST, Older American's Act***

In expanding its work to protect and enhance the rights of residents in facilities that provide long-term care, the Ombudsman’s Office has been building partnerships with other state agencies and fellow advocacy organizations and conducting legislative advocacy on the state and federal levels.

which to focus its policy efforts and ways to partner with other advocates to create a more effective system to advocate on behalf of residents.



nursing homes, and assisted living facilities and create a pilot project to transfer incapacitated individuals who have no one to speak on their behalf from hospitals to nursing homes. While the Ombudsman’s Office appreciates the important issues that this bill seeks to address, we have concerns with how it is currently written. We look forward to working with the sponsors of this bill.

**Below are three pieces of legislation that the Ombudsman’s Office has been monitoring.**

The **Older Americans Act (OAA)**, which is the federal law that governs this office, is funded through September 2012 but expired last year. In addition to reauthorizing the bill, there are proposals to extend the work of the Ombudsman beyond institutional settings into homes so that the increasing number of individuals who are receiving home-based services will have an advocate.

In New Jersey, we supported **Physician’s Order for Life-Sustaining Treatment (S-2198)**, which was recently signed into law by Governor Christie. This law allows patients, through their doctors, to document their goals and desires regarding life-sustaining treatment in a doctor’s order that, unless the patient directs otherwise, must be followed in all settings.

Another state bill, **A-4098**, seeks to create a non-judicial surrogate decision-making process for medical treatments for patients in hospitals,



Ombudsman McCracken speaks at an AARP Long-Term Care Summit.

Over the past year, the Ombudsman has met representatives of a number of divisions within the Departments of Health and Senior Services and Human Services. The Ombudsman has also met with leaders at AARP New Jersey, Disability Rights New Jersey, Legal Services of New Jersey, the Organization of Residents Associations of New Jersey, the NJ Foundation for Aging and many other important non-governmental organizations.

Through these discussions, the Ombudsman has identified areas on

**For more information, contact staff attorney Elizabeth Speidel at**

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**or call 609.826.5025.**

*Continued from page 2: Increasing Visibility of OOIE)*

In addition, under McCracken’s leadership, the OOIE has increased its presence at conferences and conventions targeting elderly New Jersey citizens and the Office has begun to utilize social media to increase awareness of the program.

Ombudsman McCracken and staff speak frequently to families, resident/family councils, and providers on residents’ rights, quality of care, and advocacy.

**To obtain more information about OOIE outreach activities or to book a speaker, please contact Outreach Coordinator Kisha Saffron at**

**[kisha.saffron@advocate.state.nj.us](mailto:kisha.saffron@advocate.state.nj.us)**

**or call 609.826.5073.**